

P. S. C. REPORT MAY NOT ATTACK COMMISSIONERS

Committee Members Split
Over What to Say to
the Governor.

REMOVALS, SOME SAY,
SOLELY HIS AFFAIR

Dislike Grand Jury Attitude in
Characterizing Any Commis-
sioner as Inefficient.

There is a sharp division among the members of the legislative committee, which hopes to complete its investigation of the Public Service Commission, as to whether they ought to grant the request of Governor Whitman for a resolution to the effect that the efficiency or inefficiency of the commissioners is solely his affair.

After a somewhat heated executive session at the Hotel Biltmore last night a resolution was passed providing that the committee should at once prepare a report on the investigation here and forward it to the Governor next week.

A majority of the members feel that it is not part of their duty as legislators to draw conclusions as to the efficiency of the commissioners from the evidence they have gathered. Senator Thompson, chairman of the committee, and Colonel Hayward, counsel, contends that the request of the Governor is proper and should be complied with. He thinks the report can be so drawn as to leave the Governor's questions. Without question there will be a tussle between the two factions before the report is finally adopted.

Dislike Grand Jury Role. A sub-committee to draft such a report and present it to the full committee not later than Wednesday was appointed. It consists of Chairman Thompson, Colonel Hayward, Senators Mills and Foley and Assemblymen Meier and McQuiston.

Members of the committee have no disposition to withhold from the Governor any information that he may desire, but most of them take the position that they should not be compelled to state conclusions that any individual commissioner is inefficient. In other words, they do not wish to act as a grand jury and draw an indictment against anybody.

They declare that their function as a legislative committee is to make findings of fact on which needed changes in the law might be predicated. If these findings form a basis for the removal of any commissioner by the Governor that is his prerogative solely. The committee believes the Governor will find plenty of material in their report upon which to act.

A letter was sent to the Governor last night stating that action had been decided upon, and informing him that the report on the last District Commission should be in his hands this week.

At the close of the executive session Senator Thompson, in the presence of Colonel Hayward, said: "In regard to the request of the Governor we thought we ought to go over the record, and if we were to make a report he ought to have it. It will be a final report on all matters relating to this commission, except such as are related to the update commission, such as transferring part of the jurisdiction of the latter and giving it to the commission here."

"Are you going to draw any deductions from the facts?" the chairman was asked. "Not in the language of the law," said the Senator, reading the grounds on which the Governor could remove an inefficient, negligent, misconduct in office.

To Leave All to Governor. "Are you going to say that any of the commissioners are inefficient?" "If in the record any of the commissioners have acknowledged any dereliction we shall bring it out. If you are trying to find out whether we are going to state any conclusions upon which the Governor might be based I will answer your question with 'no,' because we do not wish to usurp the prerogative of the Governor by prejudging the case against any man."

"Then you are not going to answer the Governor's question as to whether you have found any members of the commission who have been inefficient and have neglected their duty?" "Just at this point Colonel Hayward broke in to say: "The committee has decided that a report could be made at this time stating that the transaction of such a report would answer the questions of the Governor better than we could do it in a letter. There is no doubt that the report will be a complete answer to the Governor's questions."

"All the Governor wants us to do is to report the facts," said Senator Thompson. "If we say a man has been inefficient or negligent we are prejudging his case. I would be willing to say now there has been prostration."

"I think the report of the committee should contain the conclusions of the committee," replied Colonel Hayward. "The resolution under which we are working provides for an inquiry into and determination as to the efficiency of the commissioners. The language of the resolution requires the committee to inquire into the organization, powers and duties of the commissioners and the administration of the law to increase the efficiency of the commissions."

It is the opinion of lawyers that it will not be necessary for the Governor to have formal charges filed before him in order to remove any of the commissioners. He could serve a copy of the record of the investigation on them and require them to answer within ten days to the facts therein stated. If the Governor believed the facts warranted removal he could then act on once.

Governor Woon Point. In getting a report at all at this time Governor Whitman has won a point. Last Monday he asked Senator Thompson for an immediate report on this commission, and the Senator is said to have replied that the committee would be appointed by the Legislature and would make a report to that body after the investigation of both commissions had been completed.

It is believed that the committee is ready to say that the organization of the commission is good; that in the positions below that of commissioner there are many good men, but that it appears the commission has not taken advantage of the powers it possesses under the law.

The committee has promised to hear a number of citizens who wish to give their views on the commission and their views on matters in general. If these persons cannot be heard to-day Senator Thompson says he will hold another session on Monday, but that will wind up the investigation here. Work on the preparation of the report was begun last night. It is probable that most of the members of the drafting committee will devote themselves exclusively to that work until it is completed.

ONE MINUTE. PLEASE!

A practical joker turned in an alarm at Roosevelt, Long Island, yesterday morning, which broke up a legislative session. The alarm was given by the Alpha Hook and Ladder Company and called members of other volunteer companies from bed to hunt for hours a blaze miles away.

Mimic battles between warships and men in the coast defenses at Forts Wright, Terry and Michie, at Forts Trenchard and Long Island Sound, is the programme for extensive maneuvers to be carried on in the New London artillery district October 10 to 19, according to tentative official plans.

Hungry for sympathy, friendlier Marjorie Elton, nineteen, employed at 152 Mount Pleasant Avenue, Newark, bound and gagged herself in Branch Brook Park. She told the police when she was found that she thought some one would sympathize with her sufferings from exposure.

Benjamin Ellis, fifty-five, of 152 South First Street, Williamsburg, was run over and two other men knocked down and bruised by the reckless automobile driving of Daniel Freedman, of 302 North Fourth Street, Williamsburg, yesterday. Freedman was captured by Manhattan policemen as he sped across the Williamsburg Bridge from a crowd of pursuers.

To get a bath and a sleep before going to work yesterday on the first job he had had since being discharged from Sing Sing four weeks ago, Edward Gester, thirty-eight years old, a carpenter, picked the lock of the public baths at 414 East Sixty-fifth Street Thursday night. He was held in Yorkville court in \$1,000 bail.

Time Curtain Rises To-day

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7:40—The Girl Who Sings, 39th St.
7:55—The Girl Who Sings, 39th St.
8:10—The Girl Who Sings, 39th St.
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12:25—The Girl Who Sings, 39th St.
12:40—The Girl Who Sings, 39th St.
12:55—The Girl Who Sings, 39th St.

2:30—A Mix-Up, 39th St.
2:45—The Girl Who Sings, 39th St.
2:55—The Girl Who Sings, 39th St.
3:10—The Girl Who Sings, 39th St.
3:25—The Girl Who Sings, 39th St.
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2:30—A Mix-Up, 39th St.
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4:40—The Girl Who Sings, 39th St.
4:55—The Girl Who Sings, 39th St.
5:10—The Girl Who Sings, 39th St.
5:25—The Girl Who Sings, 39